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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	86411859
Applicant	Tseng, Shien Lang
Applied for Mark	THE PRISTINE LOLA 700
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Submission	Applicants Request for Remand and Amendment
Attachments	Motion to Remand.pdf(128488 bytes )
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Date	02/01/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Shien Lang Tseng

Serial No. 86411859



Trademark:

Filing Date: October 1, 2014

**MOTION TO REMAND APPLICATION**

COMES NOW the Applicant Shien Lang Tseng (hereinafter “Applicant”), by and through counsel The Trademark Company, and pursuant to TBMP § 1209.04 respectfully moves the Trademark Trial and Appeal Board (hereinafter “Board”) for an order remanding the instant Application to the examination level so that the Examining Attorney may consider the amendment to the recitation of services and whether said amendment would be sufficient to withdraw the Section 2(d) refusal currently issued against the registration of this trademark.



By way of history, Applicant applied to register the trademark for use in connection with the following services:

“On-line retail store services featuring a variety of products” in International Class 35.

To this end, the application was refused registration pursuant to Section 2(d) on the grounds that, if registered, it would create a likelihood of confusion with a prior registered

trademark. The Applicant was also required to amend its recitation of services to specifically specify those goods being offered by and through its retail store services.

Applicant now wishes to have the instant Application remanded to the Examining Attorney so that the following amendment to the recitation of services may be made of record:

“On-line retail store services featuring pet thermal mats, gel cooling pads, dog seat covers, and memory foam pillows” in International Class 35.

Applicant is not making this motion to delay the proceedings but in good faith so that the Examining Attorney may consider the narrowed scope of the services, remove the requirement for the same, and potentially remove the refusal completely now that it is clear there is no overlap as between the services of the parties and the goods that they provide.

Accordingly, pursuant to TBMP § 1209.04 it is respectfully requested that the Board grant the instant motion and remand the matter to the Examining Attorney so that the Examining Attorney may make of record the amended recitation and consider the same to both remove the recitation of services requirement as well as potentially the Section 2(d) refusal as well.

WHEREFORE it is respectfully submitted that good cause exists and/or the TBMP provides that the instant request be granted and the application be remanded to the Examining Attorney for further consideration of the Application.

Respectfully submitted this 1<sup>st</sup> day of February, 2016

The Trademark Company, PLLC

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